

86th Legislative Session – 2011

Committee: Senate Taxation

Monday, February 07, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Fryslie
P Hundstad
P Maher
P Nelson (Tom)
P Nygaard
P Lederman, Vice-Chair
P Hansen (Tom), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Senator Tom Hansen.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 2, 2011

Moved by: Lederman
Second by: Fryslie
Action: Prevailed by voice vote.

SB 146: require certain notice requirements for retailers that do not have nexus in South Dakota which are selling tangible personal property, services, or products transferred electronically for use in South Dakota.

Presented by: Senator Deb Peters
Proponents: Shawn Lyons, SD Retailers Association
Scott Peterson, Streamline Sales Tax
Jane Page, Department of Revenue
Opponents: Dennis Duncan, Direct Marketing Association (Handout: #1)
Jerry Cerasale, Direct Marketing Association

MOTION: DO PASS SB 146

Moved by: Fryslie
Second by: Lederman
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Fryslie, Maher, Nelson (Tom), Nygaard, Lederman, Hansen (Tom)

Voting No: Hundstad

SB 147: expand the application of nexus for the purpose of collecting sales and use taxes owed to the state.

Presented by: Senator Deb Peters
Proponents: Shawn Lyons, SD Retailers Association
Scott Peterson, Streamline Sales Tax
Jane Page, Department of Revenue
David Owen, SD Chamber of Commerce & Industry
Opponents: Jerry Cerasale, Direct Marketing Association

MOTION: DO PASS SB 147

Moved by: Nygaard
Second by: Lederman
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Fryslie, Maher, Nelson (Tom), Nygaard, Lederman, Hansen (Tom)

Voting No: Hundstad

HB 1029: revise certain provisions concerning the taxation of telecommunications companies.

Presented by: Michael Kenyon, Department of Revenue
Proponents: Greg Dean, SD Telecommunications Association(Handout: #2)
Dan Nelson, Midcontinent Communications

MOTION: AMEND HB 1029

1029fb

On page 2 of the printed bill, delete lines 1 to 5, inclusive, and insert:

" Section 2. That § 10-33-3 be repealed.

~~—10-33-3. Each company as herein defined, shall keep on file with the county auditor of each county through or into which its line or lines run, a map or blueprints showing correctly the location of its line or lines in such county and in each government subdivision thereof."~~

Moved by: Nelson (Tom)
Second by: Maher
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1029 AS AMENDED

Moved by: Maher
Second by: Nygaard
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Fryslie, Hundstad, Maher, Nelson (Tom), Nygaard, Lederman, Hansen (Tom)

MOTION: ADJOURN

Moved by: Nygaard
Second by: Lederman
Action: Prevailed by voice vote.

Lois Henry
Committee Secretary

Tom Hansen, Chair